

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JACOB VASQUEZ, #1836138

§

VS.

§

CIVIL ACTION NO. 6:18cv21

JAMES K. GRAY, ET AL.

§

ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Jacob Vasquez, a prisoner confined at the Gib Lewis Unit within the Texas Department of Criminal Justice (TDCJ), proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit complaining of alleged violations of his constitutional rights while housed at the Billy Moore Unit. The case was referred to the United States Magistrate Judge, the Honorable K. Nicole Mitchell, for findings of fact, conclusions of law, and recommendations for disposition of the case.

On February 4, 2019, Judge Mitchell issued a Report, (Dkt. #20), recommending that Defendants' motion to dismiss, (Dkt. #13), be granted, in part, and denied in part. Specifically, Judge Mitchell recommended that any claim against Defendants for monetary damages in their official capacities should be dismissed with prejudice; however, she also recommended that the remainder of the motion to dismiss be denied and that Plaintiff Vasquez's deliberate indifference claims remain before the court.

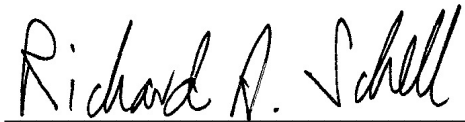
Plaintiff Vasquez has filed an objection to the Report, (Dkt. #23). The court has conducted a careful *de novo* review of those portions of the Magistrate Judge's proposed findings and recommendations to which the Plaintiff objected. *See* 28 U.S.C. §636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or

recommendations to which objection is made.”). Upon such *de novo* review, the court has determined that the Report of the United States Magistrate Judge is correct and the Plaintiff’s objections are without merit. Accordingly, it is

**ORDERED** that Plaintiff’s objections, (Dkt. #23), are overruled and the Report of the Magistrate Judge, (Dkt. #20), is **ADOPTED** as the opinion of the District Court. Further, it is

**ORDERED** that Defendants’ motion to dismiss, (Dkt. #13), is **GRANTED**, in part, and **DENIED**, in part. Claims against Defendants for monetary damages in their official capacities are **DISMISSED with prejudice**. In all other respects, Defendants’ motion to dismiss is **DENIED**. Plaintiff Vasquez’s deliberate indifference claims remain before the court.

**SIGNED this the 27th day of March, 2019.**

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a large, prominent "R". The middle initial "A." is written in a smaller, simpler script. The last name "Schell" is written with a large, prominent "S" and a long, sweeping tail that extends to the right.

---

RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE